

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jesus Trujillo,

Plaintiff,

vs.

C.A. No. 0:10-2058-HMH-PJG

OPINION AND ORDER

Edgefield Federal Prison;

Mary Mitchell, Warden;

Mr. Acosta, Assist. Warden;

Mr. Collie, Captain;

Mr. Clark, Lt.;

Mr. Holet, Lt.;

Mr. Neal, C Unit Manager;

Mr. Mahomes, A Unit Manager;

Mr. Boltin, A 4 Counselor;

Mr. Johnson, C 1 Counselor;

Mr. Santiago, SIS;

Roper, Unit Officer;

Upson, Unit Officer;

Flores, Unit Officer;

Kate, Unit Officer;

Martin, Unit Officer;

Green, Unit Officer;

Evans, Unit Officer;

Jackson, Unit Officer;

Mrs. Jones, A 4 Case Manager,

Defendants.

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Jesus Trujillo (“Trujillo”), a federal prisoner

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of

proceeding pro se, seeks certification of a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. In her Report and Recommendation, Magistrate Judge Gossett recommends denying Trujillo's motion. Trujillo filed objections to the magistrate judge's Report on December 8, 2010.²

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

In her Report and Recommendation, Magistrate Judge Gossett found that Trujillo's motion for class certification was squarely barred by controlling Fourth Circuit precedent precluding certification of a pro se class action. (Report & Recommendation 1-2.) Upon review, the court finds that Trujillo's objections to the magistrate judge's Report and Recommendation are non-specific, unrelated to the dispositive portions of the Report, and merely restate his claims. Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Gossett's Report and Recommendation.

those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

² See Houston v. Lack, 487 U.S. 266 (1988).

It is therefore

ORDERED that Trujillo's motion for class certification, docket number 47, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
December 14, 2010

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.